

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
DERRICK L. SMITH,

Plaintiff,

v.

GREG GRAMS, Warden,  
JANE DOE, SULIENE, Doctor,  
JANE DOE Nurse #1,  
JANE DOE Nurse #2,  
JANE DOE Nurse #3,  
JANE DOE, Security Director,

Defendants.

ORDER

09-cv-387-bbc

-----  
Plaintiff Derrick Smith, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. Therefore, I construe plaintiff's complaint to include a request for leave to proceed in forma pauperis. A decision on the request will be delayed until plaintiff makes an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated until he submits a copy of his six-

month trust fund account statement.

Plaintiff's complaint was submitted on June 16, 2009. His trust fund account statement should cover the six-month period beginning approximately December 15, 2008 and ending approximately June 15, 2009. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

#### ORDER

IT IS ORDERED that plaintiff may have until July 14, 2009, in which to submit a trust fund account statement for the period beginning December 15, 2008 and ending June 15, 2009. If, by July 14, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 23<sup>rd</sup> day of June, 2009.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge